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chance be thankful that they remained insular. But if that current be deflected to England and France the decrease in doctoral dissertations with which the banks of the Rhine are littered may be compensated by a return to the humanities with the resultant infusion of a new spirit into our universities. If this book succeeds in calling attention to the just claims of France, the generous gift of time and labour on the part of the editors will not be in vain.

WILLARD BARBOUR.

A TREATISE ON THE LAW OF CONVERSION, by Renzo D. Bowers, Boston; Little, Brown, and Company, 1917; pp. lx, 583.

The author says that "it is somewhat remarkable that there has been thus far an absence from the list of legal publications of anything, further than short cyclopaedic discussion, that sets forth the principles applicable to so important a subject as the LAW OF CONVERSION." In other words that this is the first text-book upon that subject alone. This seems to be correct.

He justifies the publication by "the avidity with which the practitioner has always seized upon legal treatises that might be the means of assisting him in the solution of a weighty problem upon which he could elsewhere find no light." And although the common law action of trover "is now merged in the simple civil action" in the states with "the modern system of procedure," the "principles of conversion still remain as distinct and definite as they ever were."

The historical aspects of the subject are practically ignored, and although Chapter I is, "What is Conversion," and Chapter II is, "What is Trover," no reference of any kind is made to Ames's Articles in the Harvard Law Review (11 HARV. L. R. 277-80, 374-86 (1897-8)), 3 Select Essays Anglo-American Law p. 417 or his lecture on the subject in Lectures on Legal History (VII, pp. 80-87); nor to Streets' Foundations of Legal Liability (Vol. 3, Ch. XIII, pp. 159-71).

The author says there are "more than six thousand cases cited in this volume." While there are perhaps that many references to cases, the table of cases shows not much if any more than four thousand different cases. Of the 106 different cases given in Ames's Cases on Torts, and Warren's Cases on Property, on the subject of Trover and Conversion, the author of this text cites only 48. Such an important case as *Fouldes v. Willoughby*, is referred to only in this way (note 5 p. 4): "Fouldes 1. Willoughby, 8 M. & W. 540; cited in *Spooner v. Manchester*, 133 Mass. 270, 43 A. R. 514." The great case of *Hollins v. Fowler* in the House of Lords (L. R. 7 H. L. 757, 1875), is not mentioned at all, although §§ 57, 58 relate to liability of brokers and factors. The author cites and criticises *Roach v. Turk* (1872), 9 Heisk (56 Tenn.), 708, 24 A. R. 360, and says: "Yet this case is cited as an authority.—Mechem, Agency, 961." The author here does not refer to *Hollins v. Fowler*, although Mr. Mechem, in the section referred to (§ 9612 the 1st Ed. of his Agency), gives the facts in the Hollins case, and indicates not only how it differs from the Roach case, but also points out that the English case "contains interesting discussions of the broker's duties and liabilities."

Again in § 63, the author says that "I confess to an inability to grasp the distinction" between the agency cases holding that "an omission of a duty is not enough to constitute a conversion," and those that hold "some positive act of the agent producing the effect of depriving the principal of his property" is necessary to constitute conversion. From this, and similar statements, and from citations similar to that of *Fouldes v. Willoughby*, above, and the citations of secondary authorities, as "26 Am. & Eng. Enc. L. 767" (p. 11), Wait's Actions & Defenses, 128, 155" (p. 26), "2 Cyc. 312" (p. 28), of which there are many, one feels that much of the text has been written from secondary authorities, rather than from a profound study of the cases themselves, which "doth open the window of the laws, to let in that gladsome light, whereby the right reason of the rule (the beauty of the law) may be clearly discerned."

H. L. WILGUS.

CONSTITUTIONALITY AND CONSTRUCTION OF WORKMEN'S COMPENSATION LAWS.

By Lindley D. Clark, M. A., LL. M. Reprint from Bulletin No. 203 of the Bureau of Labor Statistics, United States Department of Labor, Washington, D. C., 1917; pp. 132 (165-296 of the Bulletin).

This is the result of a study of about three hundred cases "available up to near the close of the year 1916." The topics treated are: Due process; jury trial; liability without fault; classification of employments; equal protection; exercise of judicial powers by commissions; freedom of contract, status of benefit funds; police power; injuries compensated,—accidents, occupational diseases, disfigurement, proximate cause; employments,—domestic and farm labor, hazardous, casual employments, other exclusions, public employees, children unlawfully employed, extraterritoriality, admiralty, interstate commerce, alien beneficiaries "arising out of and in course of employment;" willful misconduct; liability of third parties; temporary disability; partial disability; total disability; dependence; basis of awards; settlements; medical treatment; election; exclusiveness of remedy; notice and claim; disputes; evidence; insurance; experience under the acts; mutual insurance companies,—a copy of the New York Workmen's Compensation Insurance—Mutual Companies, law (Ch. 28, Art. 5-A) being given here, with a list of the states having such laws (p. 293).

A note at the end of the pamphlet, dated March 28, 1917, calls attention to the fact that the Supreme Court of the United States had (since the pamphlet was prepared) rendered opinions sustaining the constitutionality of the New York law (new compulsory law, enacted after *Ives' Case* was decided), *N. Y. C. R. R. v. White*, 37 S. C. 247; the Washington law (compulsory on employers both as to compensation and insurance), *Mountain Timber Co. v. Washington*, 37 S. C. 260; and the Iowa law (an elective one), *Hawkins v. Bleakly*, 37 S. C. 255. All the incidental constitutional questions,—as to negligence, abrogation of common law defenses, liability without fault, freedom of contract, jury trial, and due process,—were also passed on in these cases, and the laws sustained.

Attention is called to the different attitudes of the New York Court of Appeals, and the Wisconsin Supreme Court, as to the application of "So-